

1 Ian P. Fellerman (SBN 119725)
Email: ifellerman@reedsmith.com
2 REED SMITH LLP
1999 Harrison Street, Suite 2400
3 Oakland, CA 94612-3572

4 **Mailing Address:**
P.O. Box 2084
5 Oakland, CA 94604-2084

6 Telephone: 510.763.2000
Facsimile: 510.273.8832

7 Attorneys for Defendant
8 PODS, Inc.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 ISAAC TANNER,

14 Plaintiff,

15 vs.

16 PODS, INC., et al.,

17 Defendants.
18
19

Case No. C07-02392 JL

**DEFENDANT'S NOTICE OF MOTION
AND MOTION FOR SANCTIONS; AND
SUPPORTING MEMORANDUM OF
POINTS AND AUTHORITIES**

Date: September 26, 2007
Time: 9:30 a.m.
Courtroom: F

Hon. James Larson

20
21 TO PLAINTIFF AND HIS COUNSEL OF RECORD:

22
23 PLEASE TAKE NOTICE that on September 26, 2007 at 9:30 a.m. in Courtroom F of the
24 above-referenced Court, Defendant PODS, Inc. will and hereby does move for recovery of
25 sanctions against Plaintiff and his counsel in the amount of \$1,975. This motion is made on the
26 ground that Plaintiff's counsel failed to appear at the Case Management Conference on August 8,
27 2007, and that Defendant's counsel incurred fees attending the CMC.
28

MEMORANDUM OF POINTS AND AUTHORITIES


On May 2, 2007, the Court issued an Order scheduling a Case Management Conference for August 8, 2007. On August 1, 2007, the parties filed their Joint Case Management Statement in advance of the Case Management Conference. On August 8, 2007, Defendant's counsel appeared at the Case Management Conference. Plaintiff's counsel failed to appear, so Judge Larson continued the Case Management Conference to September 12, 2007. In addition, Judge Larson expressly invited Defendant's counsel to file a motion for sanctions to recover its attorneys' fees incurred in attending the initial Case Management Conference. Accordingly, Defendant hereby files the pending motion for sanctions, seeking to recover the attorneys' fees it incurred.

Since Plaintiff's counsel failed to attend the Case Management Conference on August 8, 2007, Defendant PODS, Inc. respectfully requests that Plaintiff and his counsel pay Defendant \$1,975 in sanctions.

DATED: August 16, 2007

REED SMITH LLP

By


Ian P. Fellerman

Attorneys for Defendant PODS, Inc.

PROOF OF SERVICE

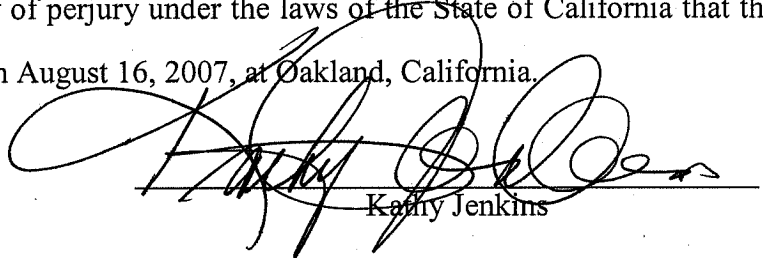
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On August 16, 2007, I served the following document(s) by the method indicated below:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SANCTIONS; AND SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

M. Van Smith
1696 Mendenhall Drive
San Jose, CA 95130
(408) 364-1062 (T)
(408) 273-6496 (F)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 16, 2007, at Oakland, California.



Kathy Jenkins